



General Assembly

February Session, 2008

Amendment

LCO No. 4938

SB0065404938SD0

Offered by:

SEN. HANDLEY, 4th Dist.

To: Subst. Senate Bill No. 654

File No. 431

Cal. No. 280

***"AN ACT CONCERNING THE AVAILABILITY OF PRESCRIBED
ANTIEPILEPTIC DRUGS."***

1 Strike lines 96 to 114, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "(j) Upon the initial filling or renewal of a prescription that contains
4 a statistical information code based upon the most recent edition of the
5 International Classification of Diseases, if the patient or a
6 representative of the patient or the patient's practitioner informs the
7 pharmacy, in writing, that the prescribed drug is used for the
8 treatment of epilepsy, a pharmacist shall not: (1) Substitute for the
9 prescribed drug an antiepileptic drug or formulation of an
10 antiepileptic drug, irrespective of whether the antiepileptic drug is a
11 brand name drug or a generic drug name, and (2) fill the prescription
12 by using a new drug manufacturer or distributor of the prescribed
13 drug, unless the pharmacist provides prior notice of such substitution
14 or use of a new drug manufacturer or distributor to, and obtains the
15 written consent of, the patient's practitioner. For purposes of obtaining

16 the consent of the patient's practitioner required for purposes of this
17 subsection, a pharmacist shall notify the patient's practitioner via
18 facsimile transmission. If the patient's practitioner does not provide the
19 necessary consent, the pharmacist shall fill the prescription without
20 such substitution or use of a new drug manufacturer or distributor or
21 return the prescription to the patient or to such patient's representative
22 for filling at another pharmacy. For purposes of this subsection,
23 "pharmacy" means a place of business where drugs and devices may
24 be sold at retail and for which a pharmacy license was issued to an
25 applicant pursuant to section 20-594, including a hospital-based
26 pharmacy when such pharmacy is filling prescriptions for employees
27 and outpatient care, and a mail order pharmacy licensed by this state
28 to distribute in this state. "Pharmacy" does not include a pharmacy
29 serving patients in a long-term care facility, other institutional facility
30 or a pharmacy that provides prescriptions for inpatient hospitals."